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\* Application for leave to appear pro  
hac vice for this case made by Motion on  
February 11, 2008 pursuant to Local Civil  
Rule 1.3(c).

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**X**

**TOM OGNIBENE, *et al.*,**

***Plaintiffs,***

**-against-**

**C.A. No. 08 CV 01335 (LTS) (TDK)**

**SCHWARZ, *et al.*,**

***Defendants.***

**X**

**DECLARATION OF VIVIANA VAZQUEZ-HERNANDEZ**

I, Viviana Vazquez-Hernandez, make the following declaration pursuant to 28 U.S.C. §

1746:

1. I am the Republican State Committee Woman For Assembly District No. 51. I am over eighteen years of age and my statements herein are based on personal knowledge.

2. In 2005, I ran for New York city council member.

3. I would like to run for city council member again in the future as a participating candidate, but believe I will be unable to raise sufficient funds because of sections 3-703(1-a), 3-703(1)(l), and 3-702(3) of the Code.

4. I would like to solicit and accept contributions in excess of \$250 from those having business dealings with the city, but cannot because of section 3-703(1-a) of the Code. I would also like to solicit and accept contributions from limited liability companies, limited liability partnerships, and partnerships, but cannot because of section 3-703(1)(l) of the Code. I would also like to receive matching funds for these contributions, but cannot under section 3-702(3) of the Code.

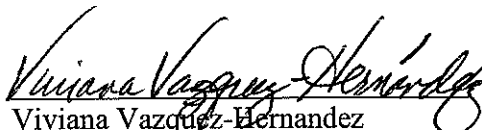
5. I expect that I would receive a substantial amount of financial support from those having business dealings with the city. I also expect that I would receive a substantial amount of support from limited liability companies, limited liability partnerships, and partnerships, if they were allowed to contribute. It is doubtful that I would receive substantial support from labor organizations.

6. I have decided that I cannot run for city council member so long as sections 3-703(1)(l), 3-703(1-a), and 3-702(3) remain in place.

7. Sections 3-702(3), 3-703(1-a), and 3-703(1)(l) deprive me of my constitutional rights under the First and Fourteenth Amendments to the United States Constitution. I will suffer irreparable harm if their enforcement is not enjoined. I have no adequate remedy at law.

8. I declare under penalty of perjury that the foregoing statements in this declaration are true and correct to the best of my knowledge, information, and belief.

Executed on April 22, 2008.

A handwritten signature in black ink, appearing to read "Viviana Vazquez-Hernandez", written over a horizontal line.

Viviana Vazquez-Hernandez  
138 23rd Street, Apt # 1  
Brooklyn, New York 11232-1111